



PATENT
ATTORNEY DOCKET NO. 053933-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitsuhiro TOGASHI

Application No.: 09/818,935

Filed: March 28, 2001

For: TILT DETECTOR

Group Art Unit: 2877

Examiner: T. Nguyen

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Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

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In s restriction requirement and requirement to elect a species dated October 30, 2002 (Paper No. 5), Applicants provide the following responses.

Applicant hereby elects Specie I (FIG. 4, on which claims 1, 2, and 3 read) with traverse. Applicant respectfully traverses the Election of Species Requirement because the Election of Species Requirement indicated only claim 1 as being generic to each of the Species I, II, and III. Applicant respectfully assert that both claims 1 and 2 are generic to each of the Species I, II, and III. In fact, claim 2 must be readable on Specie II because claim 5 (which belongs to Specie II) depends from claim 2. The Election of Species Requirement already admits that claims 2 reads on Species I and III. Accordingly, Applicant respectfully requests reconsideration of the Election of Species Requirement to correctly identify that both claims 1 and 2 are generic to the Species I, II, and III.

As noted in the Office Action, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Accordingly, upon allowance of generic claims 1 and 2, Applicant will be entitled to consideration of claim 3, 4, and 5 that correspond to specified Species I, III, and II, respectively.

Applicants respectfully requests formal examination of this application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: _____



David B. Hardy
Reg. No. 47, 362

Dated: December 2, 2002

Customer Number 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202.739.3000
Fax: 202.739.3001